



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. **07-08**

Date: **January 26, 2007**

Application No. **200601245**

Expires: **February 26, 2007**

Please address all comments to: Amy Robinson
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
AND
STATE OF ALABAMA

SUBJECT: Proposed Discharge of Fill Material for Impoundment Structure on Unnamed Tributary Mile 0.1, to Round Island Creek, Tennessee River Mile 298.0 Right Bank, Limestone County, Alabama

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (CWA)** for the discharge of fill material into waters of the United States, and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the state of Alabama, pursuant to **Section 401(1)(1) of the CWA**, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Joe Christopher
Watercress Subdivision
605 East Pryor Street
Athens, Alabama 35611

LOCATION: Unnamed Tributary Mile 0.1, a tributary to Round Island Creek, Tennessee River Mile 298.0, Right Bank, Limestone County, Alabama
Ripley Quad; lat 34-48-43.8840/ lon 87-0-33.1920

DESCRIPTION: The proposed work consists of the placement of fill material into an Unnamed Tributary for construction of an impoundment structure. The impoundment structure would be constructed for a lake for the residents of Watercress Subdivision. The work would involve temporarily diverting the stream flow around the proposed impoundment structure location. The existing stream bed would be excavated down at the structure approximately 5' deep for the new lake bottom. The impoundment structure would be constructed of earthen material at only 10" above the original stream bed elevation. Thus, the depth of the lake at the impoundment structure would be less than 6'

deep. A spillway would be constructed at the existing stream location at 30' wide with a 4" thick concrete cap. A 2' wide by 4" deep notch would be constructed at the top of the spillway to allow a continuous base flow to discharge from the impoundment structure into the existing stream. The proposed lake would have a surface area of approximately 11.5-acres, which would include encompassing an existing one-acre lake located on the property. The existing lake impounds approximately 500' of the unnamed tributary and the proposed lake would impound an additional 700' of the same tributary. The unnamed tributary has previously been impacted in the past from channelization and straightening for agricultural uses. The construction of the impoundment structure would be performed during a low flow period of the unnamed tributary.

The applicant has proposed onsite mitigation for the impounded stream. Due to the existing stream's past disturbance from channelization, the applicant has proposed mitigation that would involve restoration measures. Restoration measures would be performed on the existing unnamed tributary downstream of the proposed impoundment structure to its confluence with Round Island Creek for a distance of 520'. These measures would involve creating a buffer zone from 60' wide at the impoundment structure to 120' wide at the confluence of Round Island Creek. This buffer zone would then be planted with native tree species such as a variety of oaks. Also, the northern side of the proposed lake would be planted with native tree species within a buffer zone area of 15' wide with a greenway walking trail.

The purpose of the proposed lake would be for the enhanced recreational opportunities for the residents of Watercress Subdivision. The applicant indicated the lake would be used for fishing, canoeing, and a golf driving range (with floating balls). Also, the lake would provide the residents an aesthetic view of a lake and a walking trail.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Tennessee Valley Authority (TVA) approval is required under Section 26a of the TVA Act for the proposed work. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Water Quality Certification from the state of Alabama is required for the proposed work in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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Written statements received in this office on or before **February 26, 2007**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson, at the above address, telephone (615) 369-7509. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Ms. Heather McGee, Tennessee Valley Authority, Wheeler Land Management Office, P.O. Box 1010, Muscle Shoals, Alabama 35662-1010.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at: <http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Amy Robinson at the above address or phone number.

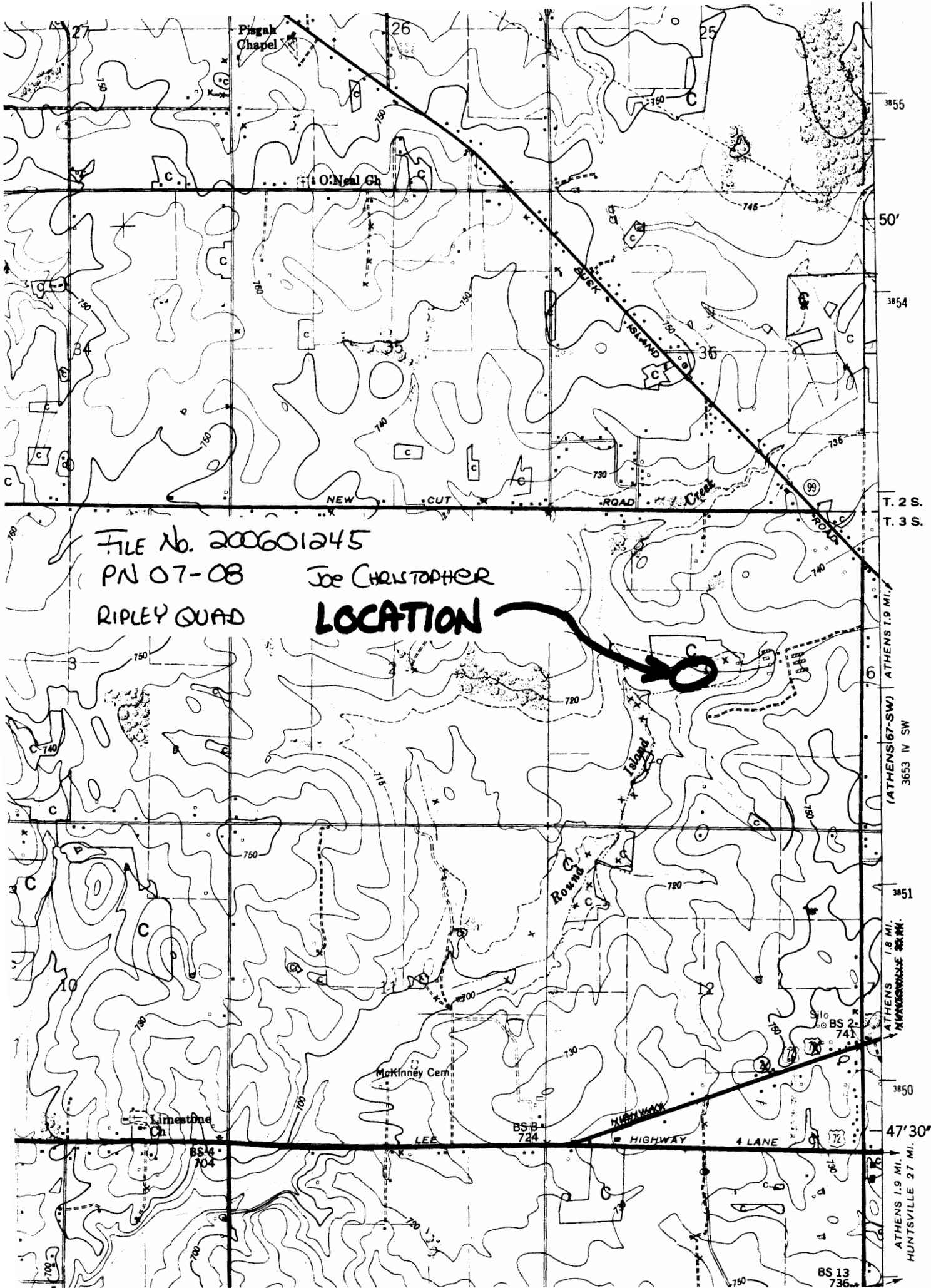
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PN 07-08

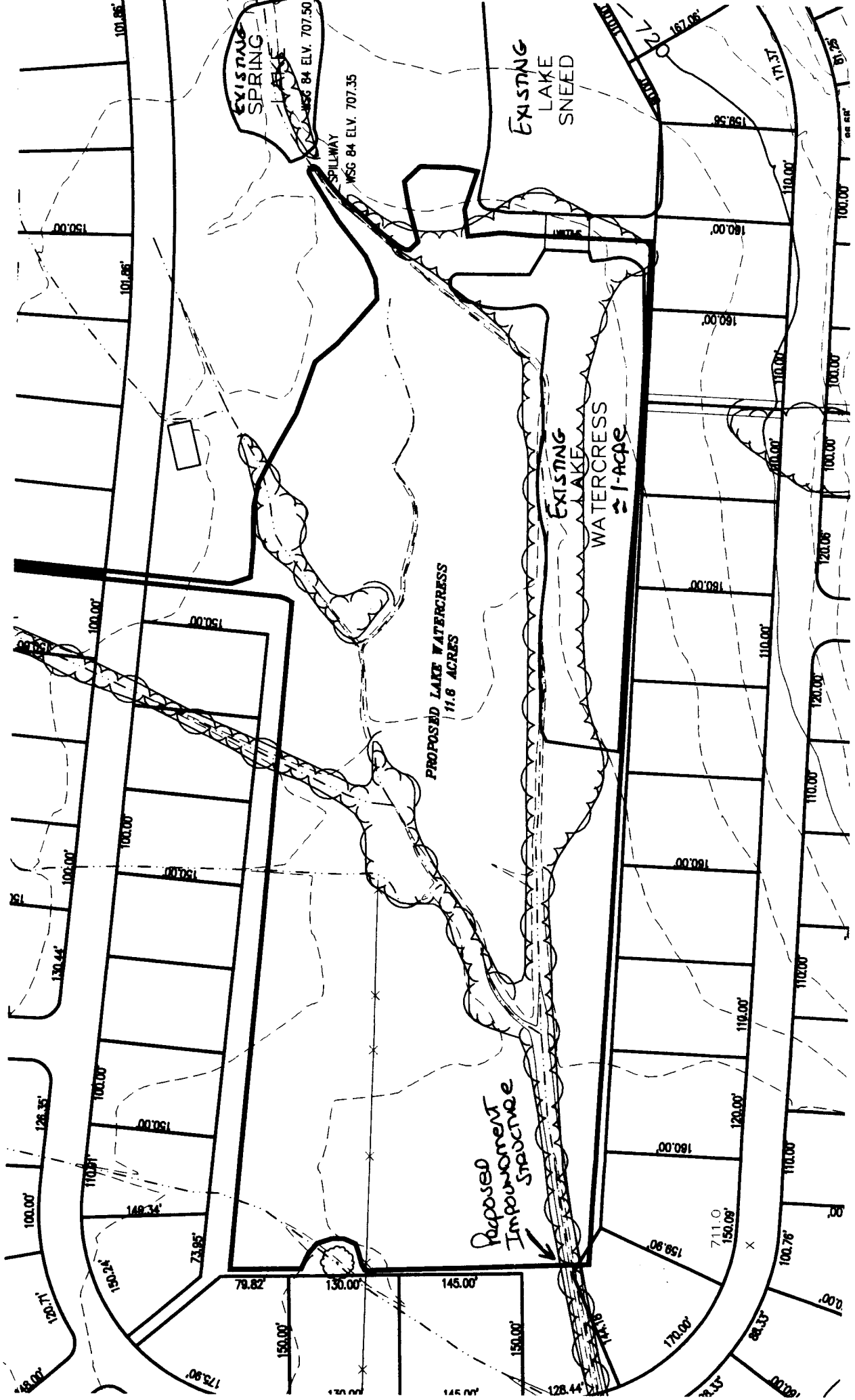
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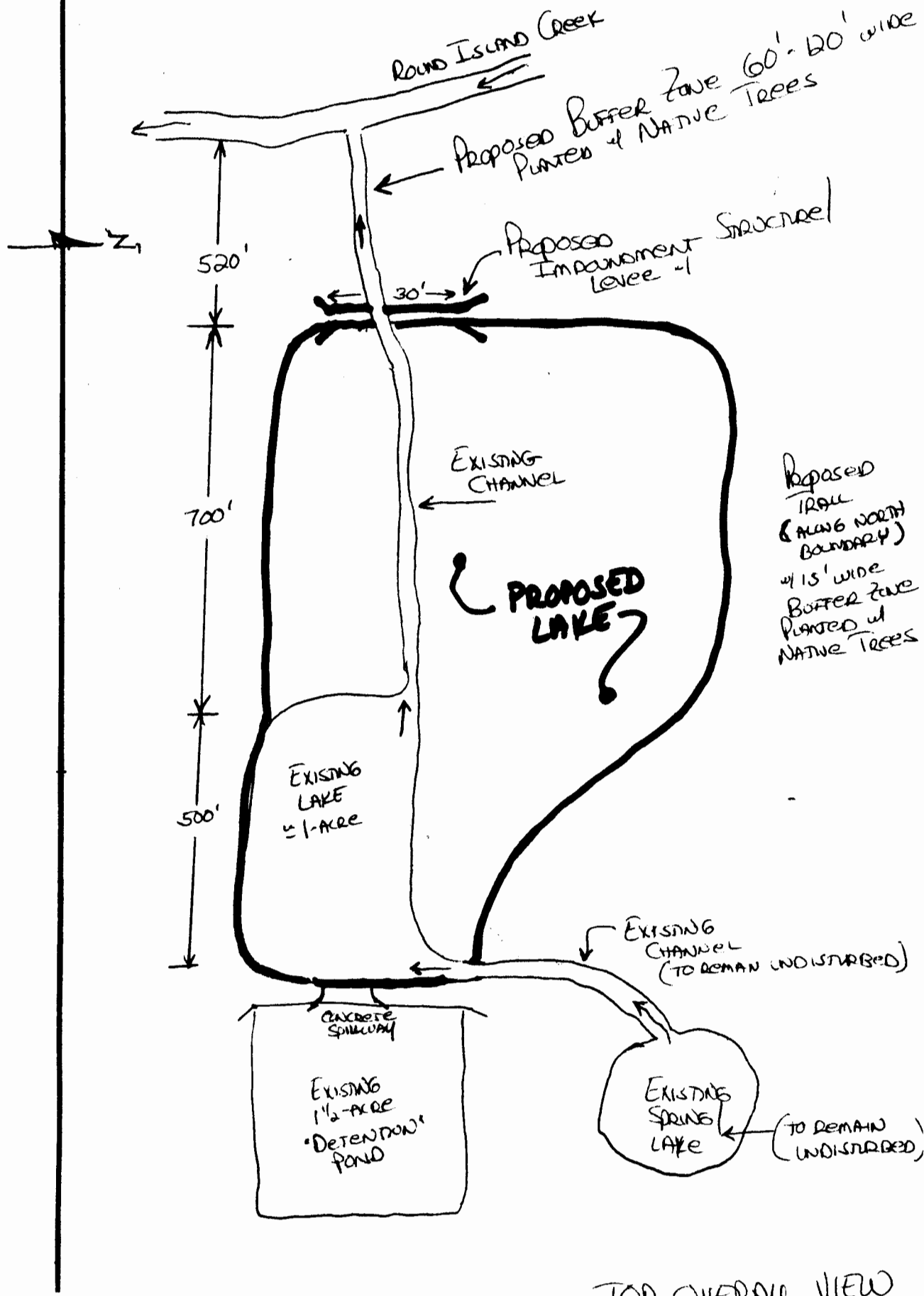
Joe CHRISTOPHER

LOCATION

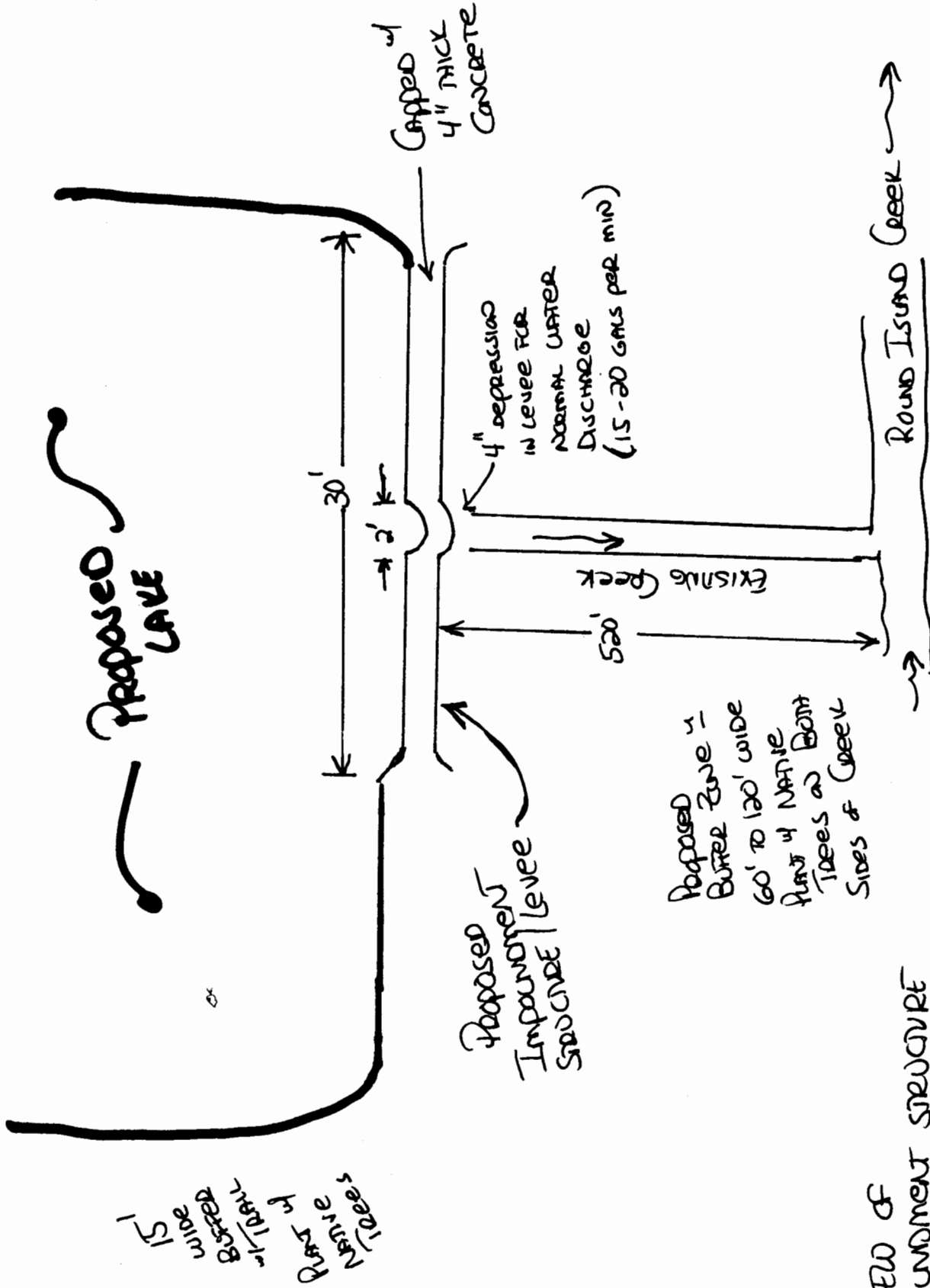


File No. 200601245
PN 07-08





TOP OVERALL VIEW
FILE No. 200601245
PN 07-08



TOP VIEW OF
IMPOUNDMENT STRUCTURE

FILE No. 200601243

PN 07-08

File No. 200601245
PN 07-08

Typical Section thru Proposed Impoundment

